

Resolution No.: 16-1361
Introduced: May 20, 2010
Adopted: May 20, 2010

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY MARYLAND**

By: County Council

SUBJECT: Approval of Executive Regulation 5-10AM, Furloughs

Background

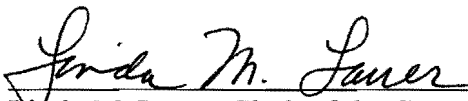
1. The Montgomery County Code §33-7(b) authorizes the County Executive to adopt personnel regulations under Method 1.
2. On May 5, 2010, the County Council received Executive Regulation 5-10, Furloughs. The Council received Executive Regulation 5-10AM, Furloughs on May 13, 2010.
3. The Council reviewed the regulation under Method (1) of County Code §2A-15.
4. Under Method (1), the Council the Council must approve a regulation before it is adopted, and there is no deadline for Council action.
5. On May 7 and 17, 2010, the Management and Fiscal Policy Committee reviewed Executive Regulation 5-10AM, Furloughs and recommended approval.

Action

The County Council for Montgomery County Maryland approves the following resolution:

The Council approves Executive Regulation 5-10AM, Furloughs.

This is a correct copy of Council action.


Linda M. Lauer, Clerk of the Council



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject	Furloughs	Number	5-10AM
Originating Department	Office of Human Resources	Effective Date	May 20, 2010

Furloughs

Executive Regulation No. 5-10AM

Issued by: County Executive

Supersedes: Executive Regulation No. 12-00AM II, in part

Authority: Montgomery County Code, 2004, §33-7(b)

Council review: Method 1

Montgomery County Register Volume 27, Issue 4

Comment deadline: April 30, 2010

Effective date: May 20, 2010

Summary: This regulation amends Sections 1, 24 and 30 of the 2001 Montgomery County Personnel Regulations to update the provisions relating to furloughs in order to facilitate its application to employees who normally work other than eight hour days such as four ten hour days or compressed schedules.

Address for comments Office of Human Resources, Executive Office Building, 7th Floor
101 Monroe Street, Rockville, Maryland 20850

Staff contact: Stuart Weisberg, 240-777-5051, or stuart.weisberg@montgomerycountymd.gov

Please use the key below when reading this regulation:

Boldface

* * *

Heading or defined term.

Existing language unchanged by executive regulation.



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SECTION 1. DEFINITIONS

* * *

1-27. **Furlough:** A temporary, non-pay status for hours when an employee is normally scheduled to work but does not work for the County or receive pay from the County due to a lack of funds or work, as determined by the CAO.

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SECTION 24. HOLIDAY LEAVE AND COMPENSATION

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24-4. Eligibility for holiday leave.

* * *

- (c) An employee may receive holiday leave if the employee is in pay status on the last regularly scheduled workday before and the first regularly scheduled workday after the holiday. An employee who, with supervisory approval, uses furlough hours on the last regularly scheduled workday before and/or the first regularly scheduled workday after a holiday may receive holiday leave.

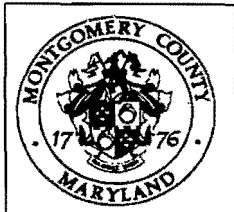
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SECTION 30. REDUCTION-IN-FORCE AND FURLOUGH

30-1. Definitions.

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- (c) **Alternate furlough day:** A furlough day that is assigned to an employee instead of a fixed furlough day if:
- (1) the employee is required to work on a fixed furlough day despite the furlough; or



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- (2) the employee is assigned to a unit or function that is scheduled to be furloughed on a fixed furlough day, but the employee is not normally scheduled to work on the fixed furlough day.

* * *

- (i) **Fixed furlough day:** A date specified by the CAO on which the offices or work sites of specified employees will be closed to:

- (1) the specified employees;
- (2) seasonal, substitute, and temporary employees; and
- (3) the public.

- (j) **Furlough:** A temporary, non-pay status for hours when an employee is normally scheduled to work but does not work for the County or receive pay from the County due to a lack of funds or work, as determined by the CAO. A furlough may be comprised of any combination of fixed, alternate, or rolling furlough days.

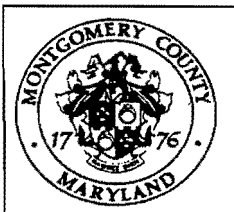
- (k) **Furlough period:** The time period specified by the CAO during which affected employees must take all assigned furlough hours and lose the pay attributable to the furlough.

- (l) **Furlough plan:** The CAO's plan for a specific furlough that states:

- (1) the number of furlough hours for which pay must be taken from affected employees;
- (2) the furlough period;
- (3) the employee groups that will be affected by the furlough; and
- (4) the designation of fixed furlough days, if any.

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- (s) **Rolling furlough day:** A day or hour(s) of a day that an employee elects, with supervisor approval, to take assigned furlough hours.



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- (t) **Seniority:** The total length of time that an individual has been a County employee in full-time and part-time positions. This does not include:

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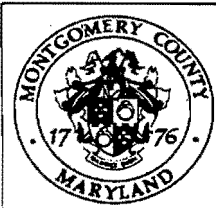
- (u) **Service needs:** Specialized duties or functions that must be performed by an employee in an affected class but which are not performed by all employees in the affected class in the department. Service needs involve knowledge, skills and abilities that are required for satisfactory performance of the specialized duties or functions.
- (v) **Severance pay:** Additional compensation granted to certain probationary employees and certain employees in the Retirement Savings Plan whose employment is terminated by a RIF or other administrative action.
- (w) **Status characteristics:** The conditions of an individual's County employment as reflected by the employee's grade, salary, merit system status, and number and distribution of work hours.

30-2. Policy on RIF and furlough.

* * *

(b) *Policy on furlough.*

- (1) A supervisor must not require or allow an employee to work on the employee's furlough days, except in an emergency as determined by the CAO.
- (2) A furlough is a permanent loss of an employee's work hours. A department director or supervisor must not allow an employee to make up the hours lost by working additional hours at another time.
- (3) The County must ensure that the following are not adversely affected when an employee takes a furlough:
 - (A) the employee's accrual of annual and sick leave or the crediting of PTO;



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(B) life insurance;

(C) retirement benefits; and

(D) seniority.

- (4) The County must not pay an employee's regular County salary to an employee who is on disability leave on a furlough day.
- (5) For the purpose of calculation of service increments, awards, salary upon promotion or demotion, or other salary amounts based on the employee's base salary, the figure representing base salary must not be reduced by the salary loss resulting from a furlough.
- (6) If a supervisor requires an employee on a fixed furlough day, alternate furlough day or rolling furlough day to return to work to perform unanticipated work assignments of an emergency nature, the department must give the employee call-back pay under Section 10-13 of these Regulations. The supervisor must ensure that the employee takes alternate furlough hours to replace the hours on which the employee was to be furloughed on the furlough day.

* * *

30-4. Conducting a furlough.

- (a) The CAO must develop a furlough plan for each furlough that identifies the employees who will be furloughed, the number of hours of furlough and the number of fixed furlough days, rolling furlough days, or a combination of fixed and rolling furlough days on which the employees will be furloughed.
- (b) The CAO may choose to spread the salary loss due to a furlough over multiple pay periods or confine the salary loss to the same pay period in which the furlough is actually taken.
- (c) The department director must notify affected employees of fixed furlough days at least 30 days before the furlough day.



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- (d) To ensure compliance with the furlough plan, the department director must monitor the scheduling, accrual, and reporting of furlough hours.
- (e) A department director must ensure that a furlough period is pro rated for a part-time employee, a new hire, an employee who separates from County service before the end of the furlough period or a school-based employee working a 10-month schedule.
- (f) The department director and the Director of the Public Information Office must notify the public in advance if work sites are closed or public services are limited because of a furlough.
- (g) An employee, with supervisory approval, may elect to take rolling furlough days on a full day or on an hourly basis.

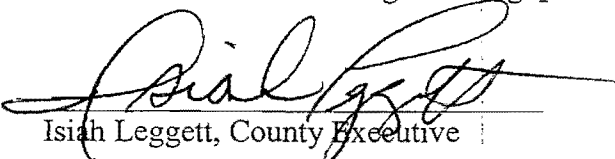
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30-15. Appeal of RIF or furlough.

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- (b) An employee with merit system status who is furloughed may grieve under Section 34 of these Regulations if the County fails to follow the procedures in this Section. A grievance cannot challenge the CAO's determination as to a lack of work or funds necessitating a furlough.

Approved:


Isiah Leggett, County Executive


Date

Approved as to form and legality:


Office of the County Attorney


Date